

submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a document in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of part 132 that shall apply for discharges within the State.

U.S. EPA has received the submission from Pennsylvania. The bulk of this submission consists of new, revised or existing water quality standards which EPA is reviewing for consistency with the Guidance in accordance with 40 CFR parts 131 and 132.5. EPA is not soliciting comment on those portions of this submission relating to the water quality criteria and methodologies, use designations or antidegradation. EPA also is not soliciting comment on the Guidance itself.

Instead, EPA is only requesting comment on whether it should approve, pursuant to 40 CFR 123.62, and 132.5(g), those portions of this submission that revise the Commonwealth's approved National Pollutant Discharge Elimination System (NPDES) permitting program. In most cases, these revisions relate to the following provisions of 40 CFR part 132, appendix F: Procedure 3 ("Total Maximum Daily Loads, Wasteload Allocations for Point Sources, Load Allocations for Nonpoint Sources, Wasteload Allocations in the Absence of a TMDL, and Preliminary Wasteload Allocations for Purposes of Determining the Need for Water Quality Based Effluent Limits"); Procedure 4 ("Additivity"); Procedure 5 ("Reasonable Potential"); Procedure 6 ("Whole Effluent Toxicity"); Procedure 7 ("Loading Limits"); Procedure 8: ("Water Quality-based Effluent Limitations Below the Quantification Level"); and Procedure 9 ("Compliance Schedules"). EPA is not soliciting comment on the Commonwealth's adoption of requirements pertaining to Implementation Procedure 1 ("Site Specific Modifications") because those requirements constitute parts of the Commonwealth's water quality standards, not its NPDES program.

Under 40 CFR 123.62(b)(2) and 132.5(e), whenever EPA determines that a proposed revision to a State NPDES program is substantial, EPA must provide notice and allow public comment on the proposed revisions. The extent to which the States have modified their NPDES programs to be

consistent with the Guidance varies significantly, depending on the extent to which their existing programs already were "as protective as" the implementation procedures in the Guidance. EPA has not conducted a State-by-State review of the submissions to ascertain for each State individually whether their changes constitute substantial program modifications. However, in light of the fact that the States have modified these programs in response to the explicit statutory mandate contained in section 118(c) of the Clean Water Act, EPA believes that it is appropriate to consider the NPDES component of the States' submission to be substantial program modifications, and therefore has decided to solicit public comment regarding those provisions.

Based on General Counsel Opinion 78-7 (April 18, 1978), EPA has long considered a determination to approve or deny a State NPDES program submission to constitute an adjudication because an "approval," within the meaning of the APA, constitutes a "license," which, in turn, is the product of an "adjudication." For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* Under the RFA, whenever a federal agency proposes or promulgates a rule under section 553 (of the Administrative Procedures Act (APA)), after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule.

Even if the NPDES program modification were a rule subject to the RFA, the Agency would certify that approval of the State's modified program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an NPDES program modification merely recognizes revisions to the program which have already been enacted as a matter of State law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify that this program modification, even if a rule, would not have a significant economic

impact on a substantial number of small entities.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 98-9819 Filed 4-13-98; 8:45 am]

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FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Amendment to Sunshine Act Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), the Farm Credit Administration gave notice on April 6, 1998 (63 FR 16813) of the regular meeting of the Farm Credit Administration Board (Board) scheduled for April 9, 1998. This notice is to amend the agenda by adding an item for a closed session of that meeting.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board were open to the public (limited space available), and parts of this meeting were closed to the public. The agenda for April 9, 1998, is amended by adding a closed session to read as follows:

Closed Session*

D. Report

—OSMO Report

Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (8) and (9).

Dated: April 9, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98-9947 Filed 4-10-98; 12:10 pm]

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FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

April 7, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction